

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ELDON STONE ROSS

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CRIMINAL NO. 17-160

JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED THAT:

1. As a result of the defendant's guilty plea as to Count One of the Information, the defendant is required, and has agreed, pursuant to 18 U.S.C. § 982(a)(1) to criminally forfeit to the United States his interest in any property, real or personal, involved in such an violation of section 1960 of Title 18, or any property traceable thereto. Moreover, the government has established that one or more of the conditions set forth in 21 U.S.C. § 853(p), exists.

2. All property, real or personal, involved in such a violation of section 1960 of Title 18, or any property traceable thereto, which represents proceeds that the defendant obtained directly or indirectly from the commission of the offenses charged in Count One of the Information is forfeited to the United States.

3. Based upon the facts set forth at the change of plea hearing and in the government's change of plea memorandum, the defendant's guilty plea agreement, and the record as a whole, the Court finds by a preponderance of the evidence that: The sum of \$40,000 is the value of the property constituting, or derived from, proceeds that the defendant obtained

directly or indirectly from the commission of the offense charged in Count One of the Information, and is traceable to the commission of such offense; and the government has established the requisite nexus between such sum and the offense charged in Count One of the Information.

4. The United States moves under 18 U.S.C. § 982(a)(1) and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure to forfeit \$40,000 in proceeds that the defendant obtained as a result of his commission of the offense charged in Count One of the Information. The motion is GRANTED. The United States is entitled to forfeit \$40,000 in proceeds that the defendant obtained as a result of his commission of the offense charged in Count One of the Information. A money judgment in the amount of \$40,000 is hereby entered against the defendant.

5. The government has established, and the Court finds, that one or more of the conditions set forth in 21 U.S.C. § 853(p) exists. Because the defendant dissipated the \$40,000 in proceeds that he obtained as a result of his commission of the offense charged in Count One of the Information, the United States is entitled to forfeit, pursuant to 21 U.S.C. § 853(p), substitute assets up to the value of the remainder of the \$40,000 in proceeds, that is, substitute assets up to the value of \$40,000.

6. Upon entry of this Order, the United States is authorized to conduct any discovery necessary to identify, locate and dispose of property subject to forfeiture, in accordance with Fed.R.Crim.P. 32.2(b)(3).

7. The net proceeds from the sale of any property recovered from the defendant and forfeited by the government shall be applied against the forfeiture amount of \$40,000 identified in paragraph 4, in partial satisfaction thereof.

8. Pursuant to Fed.R.Crim.P. 32.2(b)(4), this Judgment and Preliminary Order of Forfeiture shall become final as to the defendant at sentencing and must be made part of the sentence and included in the judgment and commitment order. See United States v. Bennett, 423 F.3d. 271 (3d Cir. 2005) (to be effective, a forfeiture order must be included in sentence and judgment).

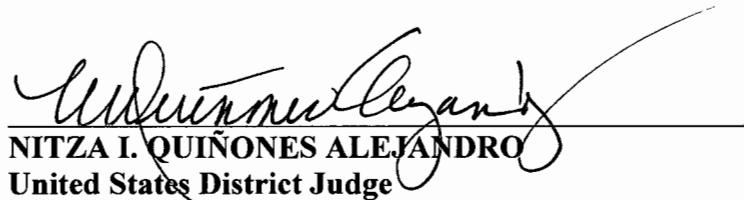
9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

11. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Judgment and Preliminary Order of Forfeiture to the Homeland Security Investigations, the United States Marshals Service, and to counsel for the parties.

ORDERED this 28th day of FEB . , 2018.

BY THE COURT:


NITZA I. QUIÑONES ALEJANDRO
United States District Judge

Copies: Counsel